

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:06-cr-00023-GCM-DLH-2**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
)	
BILLE ELAINE WITSCHI,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant’s “Motion for Reconsideration of Sentence Pursuant to 18 USC 3742(e) Post-Sentencing Rehabilitation Programming” [Doc. 74].

In her motion [Doc. 74], the Defendant seeks a modification or reduction of her sentence based upon her efforts at rehabilitation while incarcerated. The Court may reduce or modify a sentence based only on the limited grounds listed in 18 U.S.C. § 3582(c). Post-sentencing rehabilitation is not among the enumerated grounds for relief, and none of the grounds identified in § 3582 are present here. See 18 U.S.C. § 3582(c). While rehabilitation may be considered when a defendant is being sentenced or resentenced, see Pepper v. United States, 562 U.S. 476, 490 (2011), it

cannot serve as an independent basis for a defendant to obtain a resentencing. See United States v. Morris, No. 7:02-cr-00128-GRA-1, 2013 WL 1303124, at *1 (D.S.C. Mar. 28, 2013). Thus, while the Court commends the Defendant's rehabilitative efforts, her request for a reduction or modification of her sentence based on her post-sentencing rehabilitation must be denied.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's "Motion for Reconsideration of Sentence Pursuant to 18 USC 3742(e) Post-Sentencing Rehabilitation Programming" [Doc. 74] is **DENIED**.

IT IS SO ORDERED.

Signed: October 6, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

